

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9144 of 2024

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Md Shamsul Haque Son of Md. Yusuf, resident of Village- Barhanpur, P.O.-
Bakhra, P.S.- Saraiya, District- Muzaffarpur.

... .. Petitioner/s

Versus

- 1. The State of Bihar Bihar.
- 2. The Commissioner Excise, Tirhut, Muzaffarpur.
- 3. The District Magistrate, Muzaffarpur.
- 4. The Superintendent of Police, Muzaffarpur.
- 5. The S.H.O. Police Station- Paroo, District- Muzaffarpur.

... .. Respondent/s

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Appearance :
For the Petitioner/s : Mr. Dr. Bipin Chandra, Adv
For the Respondent/s : Mr. Anwar Karim, AC top GP 10

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CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
and
HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)

Date : 21-06-2024

In the instant petition, the petitioner has prayed for
the following reliefs:

*“(i) For the direction to the
respondents to release the seized
motorcycle vide its registration no.
BR06DF-6516, Engine No.
AK3BP3104926, Chasis No.*



MD626AK35P3B09322 in favour of the petitioner who is owner of the said Motorcycle which was seized in Saraiya P.S. Case No. 351 of 2023 under Section 30 (a), 37 of Bihar Prohibition and Excise Act .

(ii) For a direction to the respondents not to put the aforesaid motorcycle on auction sale during pendency of this writ petition.”

2. In support of such relief there is no demand before the competent authority in particularly under Rule of 12 A of the Bihar Prohibition and Excise Rules, 2021 read with amended sub Rule 2 of Rule 12A in the year 2022 and 2023.

3. In the absence of demand before the competent authority the present writ petition for writ of mandamus is not maintainable or it is pre-mature. Accordingly, the present petition stands disposed of as pre-mature.

4. Disposal of the present petition would not be a hurdle for the petitioner to invoke remedy under Rule 12A of Bihar Prohibition and Excise Rules, 2021 including amended provisions in the year 2022 and 2023. If such application is submitted in the prescribed form before the competent authority, the competent authority shall pass speaking order within a period of two weeks from the date of receipt of this order.



5. With the above observation, the present petition stands disposed of.

(P. B. Bajanthri, J)

(Alok Kumar Pandey, J)

Jyoti/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	25.06.2024
Transmission Date	N/A

